

MORGAN, LEWIS & BOCKIUS LLP
Ali S. Razai, Bar No. 246,922
ali.razai@morganlewis.com
Brandon G. Smith, Bar No. 307,676
brandon.smith@morganlewis.com
600 Anton Boulevard, Suite 1800
Costa Mesa, CA 92626-7653
Tel: +1.714.830.0600
Fax: +1.714.830.0700

Brian P. O'Donnell (*pro hac vice*)
brian.odonnell@morganlewis.com
110 North Wacker Drive
Chicago, IL 60606-1511
Tel: +1.312.324.1565
Fax: +1.312.324.1001

John Hendershott (*pro hac vice*)
jack.hendershott@morganlewis.com
101 Park Avenue
New York, NY 10178-0060
Tel: +1.212.309.6000
Fax: +1.212.309.6001

Attorneys for Plaintiffs
LULULEMON ATHLETICA CANADA
INC. and LULULEMON USA INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LULULEMON ATHLETICA
CANADA INC. AND LULULEMON
USA, INC.,

Plaintiffs,

vs.

COSTCO WHOLESALE
CORPORATION,

Defendant,

JACQUES MORET INC.,

Intervenor-
Defendant/Counter-
Claimant.

Case No. 2:25-cv-05864-FLA(AJRx)

Hon. Fernando L. Aenlle-Rocha

**PLAINTIFFS' NOTICE OF NON-
OPPOSITION TO INTERVENOR-
DEFENDANT JACQUES MORET
INC.'S MOTION FOR LEAVE TO
FILE A SECOND AMENDED
ANSWER, AFFIRMATIVE
DEFENSES, AND
COUNTERCLAIMS**

DATE: JANUARY 9, 2026

TIME: 1:30 P.M.

CTRM: 6B

NOTICE OF NON-OPPOSITION

Plaintiffs lululemon athletica canada inc. and lululemon usa, inc. (“lululemon”) hereby submit this Notice of Non-Opposition to Intervenor-Defendant/Counter-Claimant Jacques Moret Inc.’s (“Moret”) Motion for Leave to File Second Amended Answer, Affirmative Defenses, and Counterclaims (Dkt. No. 60) (the “Motion”).

During the meet and confer process on Moret’s Motion, both in email exchanges and via videoconference, Moret declined to explain in any detail the changes it intended to make to the affirmative defenses that lululemon had challenged. Furthermore, Moret provided lululemon with only bare bones details (i.e., the name of the allegedly withheld prior art) regarding its new inequitable conduct counterclaim and refused to provide any other information in support of this serious allegation that must meet the pleading standard under Federal Rule of Civil Procedure 9, including the identities of the individuals Moret alleges committed inequitable conduct. Moret also declined to provide lululemon with a redline of its proposed changes so that lululemon could understand the amended pleading that Moret intended to enter. As such, lululemon was unable to provide an informed position on Moret’s Motion prior to its filing.

Upon review, lululemon does not believe Moret’s proposed Second Amended Answer, Affirmative Defenses, and Counterclaims meet the relevant pleading standards for affirmative defenses or counterclaims. However, for purposes of judicial economy and efficiency, lululemon will not oppose the relief set forth in Moret’s Motion (i.e., an order permitting Moret to file an amended pleading in the form set out in Dkt. No. 60-3). This non-opposition is not based upon lululemon’s view of the merits of the Motion. lululemon expressly reserves the right to respond to Moret’s Second Amended Answer, Affirmative Defenses, and Counterclaims, including by filing a motion to dismiss under Fed. R. Civ. P. 12(b)(6) and to strike

1 under Fed. R. Civ. P. 12(f), as appropriate, to dismiss and strike the insufficiently
2 pleaded counterclaims and affirmative defenses.

3
4 Dated: December 23, 2025

MORGAN, LEWIS & BOCKIUS LLP

5 By /s/ Ali S. Razai

6 Ali S. Razai
7 Brandon G. Smith
8 Brian P. O'Donnell
9 Jack Hendershott

10 Attorneys for Plaintiffs
11 LULULEMON ATHLETICA
12 CANADA, INC. and LULULEMON
13 USA INC.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and I am employed in Chicago, Illinois. I am over the age of eighteen years and not a party to the within action. My business address is 110 N Wacker Drive, Suite 2800, Chicago, Illinois 60606.

On December 23, 2025, I served the foregoing document on counsel shown below via ECF:

Thomas Vidal
PRYOR CASHMAN LLP
1901 Avenue of the Stars,
Suite 900
Los Angeles, CA 90067
tvidal@pryorcashman.com

Brad D. Rose
Matthew Barkan
Jeffrey L. Snow
Alexander White
Kate E. Garber
PRYOR CASHMAN LLP
7 Times Square
New York, NY 10036
brose@pryorcashman.com
mbarkan@pryorcashman.com
awhite@pryorcashman.com
kgarber@pryorcashman.com

Attorneys for Defendant Intervenor,
JACQUES MORET INC

William A. Delgado
Ellen Y. Yang
Nicole G. Malick
DTO Law
915 Wilshire Boulevard, Suite 1950
Los Angeles, CA 90017
wdelgado@dtolaw.com
eyang@dtolaw.com
nmalick@dtolaw.com

Sudip Kundu
DTO Law
307 5th Avenue, 12th Floor
New York, NY 10016
skundu@dtolaw.com

Attorneys for Defendant,
COSTCO WHOLESALE
CORPORATION

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 23, 2025, at Chicago, Illinois.

/s/ Katie Thompson

Katie Thompson